

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

FILED

APR 14 2006

ANN MACIAS,

Plaintiff.

vs.

ROCKFORD PARK DISTRICT,

Defendant.

Case. No.

MICHAEL W. DOBBINS, CLERK
UNITED STATES DISTRICT COURT

06-050076

COMPLAINT

NOW COMES the Plaintiff, Ann Macias, by and through her attorney, Rene Hernandez, and brings forth this Complaint against the Defendant, Rockford Park District, and in support of which states the following:

Parties, Jurisdiction & Venue

1. This court has jurisdiction over this matter based on Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. 2000 (e) *et. seq.*, 29 U.S.C. 216-217, and 28 U.S.C. 1331.
2. This action properly lies in the Northern District of Illinois, Western Division, pursuant to 28 U.S.C. 1391 (b), because the claims arose in this judicial district.
3. Plaintiff, Ann Macias, is a resident of the City of Rockford, State of Illinois.
4. The Defendant, Rockford Park District, is an employer as defined in § 701 (b), (g), and (h) of the Civil Rights Act of 1964 as amended (Title VII), 42 U.S.C. 2000 (e), *et. seq.* in that Defendant affects commerce and employs at least 15 persons.
5. Plaintiff has complied with all administrative prerequisites by filing a timely Charge of Discrimination with the EEOC. ("Exhibit A").

6. Within ninety days of the receipt of Plaintiff's Notice of Right to Sue on charges of discrimination, Plaintiff commenced this action in the United States District Court for the Northern District of Illinois, Western Division. ("Exhibit B").

FACTS

7. Plaintiff reincorporates and re-alleges paragraphs 1-6 as though fully set forth herein.

8. On or about January 17, 2003, the Plaintiff suffered an injury at work from a self defense class to her rotator cuff in her neck, which would eventually require surgery.

9. As a result of said injury, Plaintiff was placed on light duty at Central Stores, the Old Post Office, and Sinnissippi Gardens for 17.10 an hour without receiving a raise.

10. While working on light duty, the Plaintiff received pay between \$5.70 and \$8.15 an hour, at less than one-third her normal rate of pay.

11. This pay discrepancy continued until approximately November 4, 2004.

12. In December, 2004, the Defendant rejected the Plaintiff for a one-dollar flat rate raise and two percent cost of living increase.

13. Plaintiff continues to receive said rate of pay till this day.

14. The Defendant continued to employ similarly situated male employees at a higher rate of pay.

15. Plaintiff was accused of lying about her injury by her supervisor, Johanna A. Cole on or about June, 2003.

16. Plaintiff commenced charges with the Equal Employment Opportunity Commission on June 20, 2005.

17. Plaintiff received a Right to Sue Letter from the Equal Employment Opportunity Commission on January 25, 2006.

18. As a result of Defendant's deliberate discrimination against Plaintiff, she has suffered a loss of wages and damages in excess of fifty thousand dollars \$50,000.00.

COUNT I: GENDER DISCRIMINATION IN VIOLATION OF TITLE VII

19. Plaintiff reincorporates and re-alleges paragraphs 1-18 as though fully incorporated herein.

20. When Plaintiff was hurt on or about January 17, 2003, she was hurt at work during a self-defense class. As a result of said injury, she was placed on light duty at Central Stores and the Old Post Office.

21. While working on light duty, she was being paid \$5.70 and \$8.15 an hour. This was less than one third her normal rate of pay.

22. Two similarly situated male police officers, one Caucasian (Steve Mowers) and one Hispanic (Jose Olivencia), were both on light duty but were paid at their regular rate of pay.

23. This pay discrepancy continued until approximately November 4, 2004.

24. Additionally, in December, 2004, Plaintiff was passed over for a one-dollar flat rate raise and 2 percent cost of living increase.

25. Said similarly situated male employees received both the cost of living and flat raise.

26. Plaintiff Remains off duty at present and is receiving worker's compensation payments for her injury, after working on light duty at Sinnissippi gardens until July 20, 2005.

27. As a direct and proximate result of the Defendant's discriminatory acts, Plaintiff has suffered loss of wages and hours, and emotional distress.

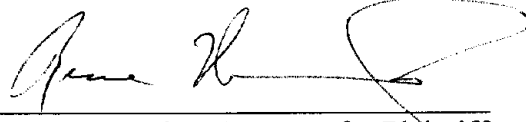
28. The Defendant's actions subjecting the Plaintiff to different terms and conditions of employment through rate of pay and cost of living subjected her to disparate treatment based on gender in terms and conditions of employment, in violation

of Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. 2000 (e) *et. seq.* .

25. The Defendant's actions were intentional and committed with reckless disregard and malice toward the Plaintiff's rights under Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000 e *et seq.*

WHEREFORE, the Plaintiff, Ann Macias, prays that the court enjoin the Defendant from engaging in such future discriminatory practices, grant equitable relief, compensatory damages, attorney fees, and any other measures of relief this Honorable Court deems appropriate and just.

Sincerely,
Ann Macias, Plaintiff

By: 
Rene Hernandez, Attorney for Plaintiff

PLAINTIFF DEMANDS TRIAL BY JURY

Law Office of Rene Hernandez, P.C.
1625 East State Street
Rockford, IL. 61104
Telephone: (815) 387-0261
Facsimile: (815) 387-0264

CHARGE OF DISCRIMINATION

AGENCY

CHARGE NUMBER

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

☐ FEPA
☐ EEOC

Department of Human Rights

and EEOC

State or local Agency, if any

Ms. Ann Macias(815) 962-6522

NAME (Indicate Mr., Ms., Mrs.)

HOME TELEPHONE (indicate Area Code)

7061 Horizon DriveRockford IL 611094/11/63

STREET ADDRESS

CITY, STATE AND ZIP CODE

DATE OF BIRTH

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below).

Rockford Park District15+(815) 987-8800

NAME

NUMBER OF EMPLOYEES, MEMBERS

TELEPHONE (include Area Code)

1401 North Second StreetRockford, IL 61104Winnebago

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es)):

DATE OF DISCRIMINATION TOOK PLACE

☒ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN

EARLIEST: 1/19/04

LATEST: present

☐ RETALIATION ☐ AGE ☐ DISABILITY ☒ OTHER (Equal Pay Act) ☒ Continuing Action

THE PARTICULARS ARE (If additional space is needed, attach extra sheets(s)):

I was employed by the Respondent in 1997 as a police officer. On or about January 17, 2003, I was hurt at work during a self-defense class. As a result of said injury I was placed on light duty at Central Stores and the Old Post Office. While working on light duty I was being paid at \$5.70 and \$8.15 an hour. This was less than 1/3 of my normal rate of pay. Two similarly situated male police officers, one Caucasian (Steve Mowers) and one Hispanic (Jose Olivencia), were both on light duty but were paid at their regular rate of pay. This pay discrepancy continued until approximately November 4, 2004. Additionally, this past December, I was passed over for a one-dollar flat rate raise and 2% cost of living increase. Said similarly situated male employees received both the cost of living and flat raise. I remain on light duty to this day.

I feel that I have been discriminated against because of my race and sex in violation of Title VII of the Civil Rights Act of 1964. I feel that the Respondent's actions in this case violate the Equal Pay Act as well.

☐ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY- (When necessary for State and Local Requirements)

I swear or affirm that the foregoing is true and correct to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE

OFFICIAL SEAL
Maria Weichowec-Hernandez
Notary Public, State of Illinois
My Commission Exp. 02/11/2009

DATE

CHARGING PARTY (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(Day, month and year) 6-20-05

EXHIBIT "A"



U.S. Department of Justice

Civil Rights Division

NOTICE OF RIGHT TO SUE
WITHIN 90 DAYS

CERTIFIED MAIL
3510 4945

950 Pennsylvania Avenue, N.W.
Karen Ferguson, EMP, PHB, Room 4239
Washington, DC 20530

January 20, 2006

Ms. Ann Macias
c/o Rene Hernandez, Esquire
Attorney at Law
1625 E. State Street
Rockford, IL 61104

RECEIVED
JAN 25 2006

Re: EEOC Charge Against Rockford Park District
No. 210200506508

Dear Ms. Macias:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

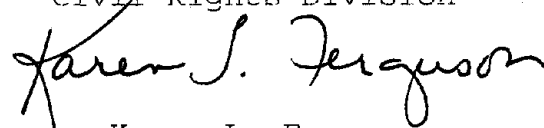
If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Wan J. Kim
Assistant Attorney General
Civil Rights Division

by


Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC
Rockford Park District

EXHIBIT "B"